

## **REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1, 7-9 and 19 are being cancelled without prejudice or disclaimer. Claims 2, 3, 10, 11, 13, 14 and 18 are being amended. No new matter is being added. Claims 2-6, 10-18 and 20 are now pending in this application.

### ***Interview Summary***

The Office Action included an Interview Summary for the interview dated March 23, 2011. The Interview Summary is accurate.

### ***Rejections under 35 U.S.C. §§ 102 and 103***

Claims 1, 3, 4, 6, 7, 13, 14, 17 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,953,707 to Huang et al. (“Huang”) in view of U.S. Patent 6,609,101 to Landvater et al. (“Landvater”). Claims 2, 8-12 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang in view of Landvater, further in view of U.S. Patent 5,765,143 to Sheldon et al. (“Sheldon”). Claims 5, 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang in view of Landvater, further in view of Official Notice. Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang in view of Landvater, further in view of U.S. 2003/0130883 A1 to Schroeder et al. (“Schroeder”). Applicants respectfully traverse these rejections for at least the following reasons.

### ***Independent claim 20***

Independent claim 20 recites “when a predictor/predictee relationship exists between the first distribution center and a second distribution center, causing a computer calculation of a product demand level for the stores in the second distribution center for the current product sales promotion based on the product demand level calculated for the first distribution center and a predictor/predictee index value for the first and second distribution centers, wherein the product demand level for the stores in the second distribution center is calculated to be the product demand level for the stores in the first distribution center multiplied by the predictor/predictee index.”

The Patent Office recognizes that Huang and Landvater do not disclose these features of claim 20, but supplies Sheldon for curing the deficiencies of Huang and Landvater. Sheldon, however, does not suggest the above quoted features of claim 20 in the context of claim 20.

Sheldon discloses in col. 8, lines 3-63 a forecast F of sales of a part in a store A, where the forecast F is based in part on the weighted average W of relative stores sales of the part (col. 8, lines 9-14). The weighted average W is based on weighting factors  $W_j$ , which are determined based on measures of similarity between the store A and the jth store, where similarity factors include geographic proximity, statistical correlation of the sales of the part, and common attributes of the customer base, for example (col. 8, lines 52-63).

Sheldon, however, does not suggest the feature of claim 20 of “when a predictor/predictee relationship exists between the first distribution center and a second distribution center, causing a computer calculation of a product demand level for the stores in the second distribution center for the current product sales promotion based on the product demand level calculated for the first distribution center and a predictor/predictee index value for the first and second distribution centers, wherein the product demand level for the stores in the second distribution center is calculated to be the product demand level for the stores in the first distribution center multiplied by the predictor/predictee index.” Sheldon does not disclose, in its forecast F of sales of a particular store, any predictor/predictee relationship between distribution centers. Furthermore, Sheldon does not calculate its forecast F based on either the product demand level for any distribution center or any predictor/predictee index value for two distribution centers. Finally, Sheldon necessarily does not disclose calculating its forecast F to be a product demand level for the stores in a first distribution center multiplied by a predictor/predictee index. Therefore, even if Huang and Landvater were combined with Sheldon, the combination would not have all of the features of claim 20.

The Patent Office on page 26 of the Office Actions states “Applicants argues: . . . Sheldon does not teach calculating a product demand level based on a predictor/predictee

relationship between two entities.” Applicants’ argument, however, is not that Sheldon does not teach calculating a product demand level based on a predictor/predictee relationship between two entities, but rather that Sheldon does not calculate its forecast F based on either the product demand level for any distribution center or any predictor/predictee index value for two distribution centers.

Moreover, because Sheldon does not disclose calculating its forecast F to be a product demand level for the stores in a distribution center based on a predictor/predictee index between that distribution center and another distribution center, even if Huang and Landvater were combined with Sheldon, the combination would not have all of the features of claim 20. Even if Huang and Landvater include various distribution centers at one level and stores at a lower level associated with the distribution centers to supply the stores, Sheldon only suggests using its forecast F at the level of the stores without regard to any predictor/predictee relationship at the next higher level of entities that provide distribution to the stores. Thus, regardless of what Landvater calls its entities at one level and the next lower level, even if Huang and Landvater were combined with Sheldon, the combination would not have all of the features of claim 20.

### ***Independent claim 2***

Independent claim 2 recites “causing a computer determination of correlations among multiple distribution centers based on the historical invoice data, and indicating that a predictor/predictee relationship exists between pairs of the distribution centers if the pair of distribution centers exhibits at least a predetermined correlation; and causing a computer calculation of a predictor/predictee index value for the predictor/predictee pairs based on the historical invoice data, where the predictor/predictee index value indicates the ratio of the product sales volume for stores in the predictee distribution center to the product sales volume for stores in the predictor distribution center determined based on the historical product invoice data.” For reasons analogous to those discussed above with respect to claim 20, Huang, Landvater and Sheldon fail to disclose the above quoted features of claim 2.

The remaining references applied in the rejection of the claims were cited for other features of the claims, but fail to cure the deficiencies of Huang, Landvater and Sheldon.

The dependent claims are patentable for at least the same reasons as their respective independent claims as well as for further patentable features recited therein.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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